**FARAD CONSTITUTION SHEET NO.**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE,**
**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO.4790/2005**

**Harish s/o Maheshwar Prasad Shrivastav**
**...Versus...**
**District Collector, Nagpur and another**

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| Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders. | Court's or Judge's Orders |
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(A.G.P. for the respondents)

**CORAM:- A.B. CHAUDHARI, J.**
**DATED :- 06.07.2007.**

Counsel for petitioner absent. Advocate Shri Trivedi holding for Advocate Shri Kanungo for petitioner seeks adjournment. The matter is pretty old and, hence, it is not possible to adjourn the same repeatedly. That apart, in normal course the petition would have been dismissed in default. However, having gone through the entire writ petition as well as impugned order, I find that the petitioner is not deprived of any opportunity to put up his case even now. Having seen the affidavit-in-reply filed by respondent No.1 and in particular paragraph no.7 thereof, it appears that the State Government has set aside the order made by

the Additional Collector and asked him to make de novo enquiry. The petitioner, thus, has been given a chance to participate in the de novo enquiry and that too without making any payment of the entertainment duty. This is a remand order which in my opinion made by the Government gives full opportunity to the petitioner even now that too without paying any duty to the Government. Hence, I do not find any point in adjourning this writ petition. The writ petition is, therefore, dismissed. The petitioner even now is at liberty to participate in the de novo enquiry that is to be conducted by the Additional Collector, pursuant to the directions given by the State Government vide paragraph no.7 of the reply filed by State.

**JUDGE**

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